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August 31, 2009

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 9/15/09

By facsimile-212-805-7948

United States District Court Judge Richard J. Holwell
Daniel Patrick Moynihan United States District Courthouse
500 Pearl St.
Courtroom 17B
New York, New York 10007-1312

Re: Frank Fazetta v. Vanguard Productions and J. David Spurlock
Third-party action: v. Ellie Fazetta
08 CIV 6670 (RJH) (KNF)

Dear Hon. Judge Holwell:

This office represents the plaintiff and third-party defendant in the above-cited matter.

A status/discovery conference is currently scheduled for September 9, 2009. The purpose of this letter is to request an adjournment of the conference.

Previously, a status conference was conducted on July 16, 2009. The next day, July 17, 2009, third-party defendant Eleanor Fazetta died.

Due to the death of Eleanor Fazetta, the settlement conference scheduled with Judge Fox for August 4, 2009 was adjourned without date.

A guardianship proceeding has been instituted in the State of Pennsylvania by Frank Fazetta, Jr. The matter, including a motion for a preliminary injunction, is currently scheduled for September 22, 2009.

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Currently, Mr. Fazetta's business matters are being handled by his other three children.

By letter, allegedly from Frank Fazetta, dated August 13, 2009, I was informed that Mr. Fazetta hired a new attorney and that I should take no further action in the Vanguard-Spurlock litigation (the matter currently before your honor).

A final bill for services was prepared and forwarded to Mr. Fazetta and his new attorneys, Tarlow, Breed, Hart & Rodgers, P.C. of Boston, Massachusetts. This office maintains both a charging and retaining lien.

It is respectfully submitted, that it would be premature to conduct a conference on September 9, 2009 and therefore an adjournment is requested.

This office does not represent the Estate of Eleanor Fazetta. This office has no knowledge with regard to the status of said estate.

I have spoken with defense counsel, Pat Carroll, who consents to an adjournment. Mr. Carroll spoke with Ms. McMillan who also consents to an adjournment.

A copy of this letter is being provided to defense counsel by facsimile.

Very truly yours,

Tedd Kessler

TK/hft

CC: Patrick Carroll, Esq. by facsimile
Patricia McMillan, Esq. by facsimile
Robert Kraus, Esq. by facsimile
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Conference adjourned
to 10/30/09, at
11:00 a.m.

SO ORDERED:
Date: 9/14/09

Richard J. Holwell, U.S.D.J.